

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CANADA DRY DELAWARE VALLEY  
BOTTLING COMPANY and CANADA DRY  
POTOMAC CORPORATION,

Petitioners,

-against-

HORNELL BREWING CO., INC. D/B/A  
FEROLITO, VULTAGGIO & SONS,

Respondent.  
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07 Civ. 8037 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

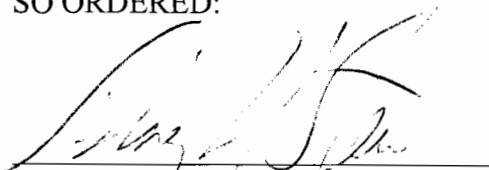
Canada Dry Delaware Valley Bottling Company and Canada Dry Potomac Corporation (“Canada Dry”) petition this Court pursuant to 9 U.S.C. § 9 to confirm a Consent Award of Arbitrators issued under the aegis of the American Arbitration Association on August 20, 2007, which resolves a dispute between Canada Dry and Hornell Brewing Company, d/b/a Ferolito, Vultaggio & Sons (“Hornell”). The Court has subject matter jurisdiction over this petition pursuant to 28 U.S.C. § 1332(a)(1) because the parties are citizens of different states and the amount in controversy exceeds \$75,000.

In an Order to Show Cause dated September 14, 2007, this Court directed respondent Hornell to file a response to the petition by September 25 and scheduled a hearing for September 28. To date, however, Hornell has not filed a response, and in a letter dated September 27, 2007, Canada Dry notified the Court that Hornell does not oppose the petition to confirm the arbitration award.

Therefore, Canada Dry's petition to confirm the arbitration award is granted pursuant to 9 U.S.C. § 9. The Clerk of Court is directed to enter judgment confirming the Consent Award of Arbitrators in AAA Case No. 13 181 01425 05 dated August 20, 2007.

Dated: New York, New York  
September 28, 2007

SO ORDERED:

  
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Sidney H. Stein, U.S.D.J.